IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

C.W.P. No.3581 of 2005
Date of Decision : 21.5.2007

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Pyare Lal Vs. State of Haryana and others

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CORAM : HON'BLE MR.JUSTICE P. SATHASIVAM
HON'BLE MR.JUSTICE RAJIVE BHALLA

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1. Whether Reporters of Local Newspapers may be allowed to see the judgement ?
2. To be referred to the Reporters or not ?
3. Whether the judgement should be reported in the Digest ?

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RAJIVE BHALLA, J

By way of this writ petition, the petitioner prays for the issuance of a writ in the nature of Certiorari, for quashing orders dated 20.7.2004 and 29.10.2001, passed by the Collector, District Jhajjar and the Assistant Collector, Ist Grade, Jhajjar, respectively.

The petitioner claims to have constructed his house on Plot No.232 in the revenue estate of Village Kheri Khumar, Tehsil and District Jhajjar. The Gram Panchayat, alleging that the petitioner had encroached upon the path duly sanctioned during consolidation, filed a petition, under Section 7 of the Punjab Village Common Lands (Regulations) Act, 1961 (hereinafter referred to as `the Act') for ejectment of the petitioner from the encroached part of the path. The learned District Collector, relied upon the path as delimited in the revenue documents and also upon a demarcation

report of the Kanungo dated 18.10.2001, to hold that the petitioner was in unauthorized possession of a part of the path. Consequently, the petitioner's ejectment was ordered. An appeal filed by the petitioner before the Collector, Jhajjar was dismissed, vide order dated 20.7.2004. The petitioner, thereafter, filed a revision before the Commissioner, Rohtak Range, Rohtak, which was dismissed on 18.12.2004 for want of jurisdiction.

The sole refrain put forth by petitioner, is that the path, sanctioned during consolidation was not implemented at the site and, therefore, the path as reflected in the Aks Shajra is incorect. The demarcation report is based upon the Aks Shajra and is, therefore, factually incorrect. It is further contended that the petitioner's house is in existence prior to consolidation and, therefore, the learned Courts below erred while holding that the petitioner had encroached upon the path.

Counsel for the respondents,however, states that the petitioner has not denied the correctness of the path, carved out during consolidation and as reflected in the Aks Shajra. He has merely stated that path is not as per Aks Shajra.. Consequently, the petitioner's contentions cannot be accepted and, therefore, the petition be dismissed.

We have heard learned counsel for the parties and perused the paper book.

The authorities, by relying upon the Aks Shajra, demarcated the path. The demarcation report discloses that the petitioner had encroached upon a part of the path. This finding of fact does not call for interference. The petitioner's contention that the path sanctioned during consolidation, was not excavated as per the Aks Shajra at the site, cannot be

accepted. Paths have to be excavated in accordance with the Aks Shajra. We find no reasons, to doubt the correctness of the Aks Shajra, the demarcation report and the orders passed by the authorities below . Consequently, the present writ petition is dismissed.

(RAJIVE BHALLA)
JUDGE

21.5.2007 (P. SATHASIVAM)
GS JUDGE